IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc. No.8261-M of 2006
Date of Decision:- 11.12.2007

Gurdip Singh ....Petitioner(s)

through
Mr.Munish Garg, Advocate

vs.

Kuljit Kaur ....Respondent(s)

through
Mr.Jai Bhagwan, Advocate.

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CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

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1) Whether Reporters of the local papers may be allowed to see the judgment?
2) To be referred to the Reporters or not?
3) Whether the judgment should be reported in the Digest?

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SURYA KANT, J. (ORAL)

In this petition under Section 482 Cr.P.C., the petitioner is aggrieved at the order dated 6.1.2006 passed by the learned Additional Sessions Judge, Chandigarh whereby the interim maintenance to the petitioner's wife, namely, the respondent was determined allegedly on the basis of agreed terms.

The petitioner has two-fold grievance against the aforesaid order; firstly, he contends that no revision petition was maintainable before the learned Additional Sessions Judge and secondly there was no agreement between the parties in view whereof the same could be based. A perusal of the impugned order reveals that the plea regarding maintainability of the revision petition was not raised before the learned Additional Sessions Judge. As far as the non-existence of any agreed terms between the parties is concerned, though such a plea too could also be taken by the petitioner before the revisional Court only, however, having regard to the fact that

order dated 6.1.2006, the main petition under Section 125 Cr.P.C. itself is nearing maturity, this petition is disposed of by keeping open the contentions regarding determination of the maintenance amount and liberty is granted to the petitioner to raise his contentions before the learned trial Court at an appropriate stage.

December 11, 2007 **(SURYA KANT)**
poonam **JUDGE**